

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 9, 2010

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Diane Quigley, Chair
Richard Pruitt
John C. Harry
H. Glenn James
Ryan A. Myers (arrived 10:20 a.m.)
Betsy Critzer
Michael Miller

Board member not present: Sandra Johnson

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Chair Diane Quigley called the meeting to order at 10:05 AM.

Call to Order

A motion was made by Mr. Harry and seconded by Mr. Pruitt to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Pruitt and Quigley.

Approval of Agenda

A motion was made by Mr. Miller and seconded by Mr. Pruitt to approve the following minutes: August 17, 2010, Board Meeting; August 18, 2010, Informal Fact-Finding Conference; September 22, 2010, Informal Fact-Finding Conference; and October 14, 2010,

Approval of Minutes

VREAB Regulatory Review Committee Meeting. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, James, Miller, Pruitt and Quigley.

There was no public comment.

Board member Ryan Myers arrived at 10:20 a.m.

In the matter of **File Number 2011-00064, George Byrne**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Byrne, applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Byrne’s application for a Certified General Real Estate Appraiser license with the following conditions: (1) Completion of 15 hour USPAP course and successfully pass the examination; (2) Submit to the Board two or more narrative appraisal reports prepared in association with a certified general real estate appraiser which include the use of the income approach, in order to full the requirements of 18 VAC 130-20-30-8-c; (3) Should Mr. Byrne fail to submit the reports by June 24, 2011, if the reports are found not to be compliance with USPAP, or the other conditions are not met, he must reapply for licensure. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, Miller, Myers, Pruitt and Quigley.

As the presiding officer, Mr. James did not vote or participate in this matter.

In the matter of **File Number 2011-00883, Suresh Hatte**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Hatte, applicant, was present and addressed the Board. A motion was made by Mr. Harry and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Hatte’s application for a Certified General Real Estate Appraiser license. After reviewing the facts, the Board is of the opinion that Hatte does not have the full knowledge or understanding of real estate appraising for the level of license he is

Public Comment

Arrival of Board Member

File Number 2011-00064,
George Byrne

File Number 2011-00883,
Suresh Hatte

seeking. The Board determined that due to his not having completed the 150 classroom hours of pre-license education required by the 2009 disciplinary action and due to the fact the license suspension is still in effect to deny the upgrade of license. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

As the presiding officer, Ms. Critzer did not vote or participate in this matter.

In the matter of **File Number 2011-01389, Jennie Cook**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Myers and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Cook's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

File Number 2011-01389,
Jennie Cook

As the presiding officer, Ms. Critzer did not vote or participate in this matter.

In the matter of **File Number 2010-03664, Donald C. Cole**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cole. A motion was made by Ms. Quigley and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Cole admits a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$4,250.00. In addition, for violation of Counts 1-4, Cole is required to complete a classroom Upper Level Residential Appraisal Course(s) approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course(s) shall be a minimum of 30 classroom hours and shall not be a distance education course(s). Upon successful completion

File Number 2010-03664,
Donald C. Cole

of the course, Cole shall provide the Board with proof of passing the exam(s). It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-03549, Eris S. Musselwhite**, the Board reviewed the Consent Order as seen and agreed to by Mr. Musselwhite. A motion was made by Mr. Harry and seconded by Mr. James to accept the proposed Consent Order wherein Mr. Musselwhite admits to *2 violations* of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Musselwhite is required to complete an Upper Level Residential Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course. Upon successful course completion, Musselwhite shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirement needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

File Number 2010-03549,
Eris S. Musselwhite

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-02820, Stephen Mathew Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Mr. Pruitt and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Smith admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,900.00. In addition, Smith is required to complete a 15-hour

File Number 2010-02820,
Stephen Mathew Smith

USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course. Upon successful course completion, Smith shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirement needed for license renewal, reinstatement, or upgrade. In addition, Smith shall provide to the Board on a quarterly basis, due December 31, 2011, 4 (four) appraisal reports completed during each quarter, for a period of 1 year(s) from the effective date of the order. Failure to provide USPAP compliant appraisal reports will result in the automatic suspension of Smith's license until such time as there is complete satisfactory compliance. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

A motion was made by Ms. Quigley and seconded by Mr. Harry to reconsider the action for temporary Emergency Real Estate Appraiser Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

Administrative Issues

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to withdraw the regulatory action for Emergency Cemetery Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. James to authorize Board staff to initiate a regulatory action to increase national registry fees to be consistent with federal requirements. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. Myers to adopt the following resolution to honor the years of dedicated service by former Board Member Douglas Mullins, Jr. to the Board:

Resolution

RESOLUTION IN HONOR OF

Douglas Mullins, Jr.

WHEREAS, Douglas Mullins, Jr., has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2002; and

WHEREAS, Douglas Mullins, Jr., has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Douglas Mullins, Jr., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this ninth day of November, 2010 that Douglas Mullins, Jr., be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Member voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

There being no further business, the meeting adjourned at 11:05 A.M.

Adjourn

Diane Quigley, Chair

Gordon Dixon, Secretary